

Notice of Allowability

Application No.

10/006,545

Examiner

Katarzyna Wyrozebski Lee

Applicant(s)

NAIR ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview 2/18/2004.
2. ☒ The allowed claim(s) is/are 2-15, 17 and 19-50.
3. ☒ The drawings filed on 13 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 0204.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Katarzyna Wyrozebski Lee
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Lynn Blank on 2/18/2004.

The application has been amended as follows:

In the specification:

Replace the paragraph beginning at page 1, line 4 with the following re-written paragraph:

--Reference is made to commonly assigned, co-pending U.S. Patent Applications: Publication Number 2003/0099815 to Dontula et al., filed of even date herewith entitled "Ethoxylated Alcohol Intercalated Smectite Materials and Method"; Publication Number 2003/ by Majumdar et al., filed of even date herewith entitled "Smectite Clay Intercalated with Polyether Block Polyamide Copolymer"; and Publication Number 2003/1418918 by Dontula et al., filed of even date herewith entitled "Article Utilizing Block Copolymer Intercalated Clay", disclosures of which are incorporated here by reference.

In the claims:

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Claims 2, line 2 delete term "comprising" and insert term "consisting of".

Claim 4, line 2, between terms "group" and "of" insert term "consisting".

Claim 5, line 4, between terms "poly(vinyl alcohol)" and "poly(vinyl acetate)" insert term "and".

Claim 11, line 4, delete term "or" and insert term "and".

Claims 17, line 3, delete term "comprising" and insert term "consisting of".

Claims 17, line 6, delete term "comprising" and insert term "consisting of".

Claim 17, line 8, delete term "or" and insert term "and".

Claims 19, line 3, delete term "comprising" and insert term "consisting of".

Claims 19, line 4, between terms "poly(vinyl alcohol)" and "poly(vinyl acetate)" insert term "and".

Claims 19, line 5, delete term "comprising" and insert term "consisting of".

Claims 19, line 6, between terms "polycaprolactone" and "polyamide" insert term "and".

Claims 34, line 2, delete term "comprising" and insert term "consisting of".

Claims 35, line 2, delete term "comprising" and insert term "consisting of".

Claims 43, line 3, delete term "comprising" and insert term "consisting of".

Examiner's Statement of Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

Independent claim 15 of the present invention claims an article, which comprises matrix polymer and intercalated clay. Clay is intercalated with block copolymer that comprises three blocks wherein one block is hydrophilic compatible with clay and second block is compatible with polymer matrix. Second independent claims requires an article where the polymer that intercalates the clay has one block made up of caprolactone having 50-500 monomer units and the matrix polymer comprises polyester.

The prior art of FISHER as applied against present claims does not teach intercalating polymers that have three block, nor does he render obvious as to why one of ordinary skill in the art would want to use block copolymer having three block. Prior art of FISHER discloses only A-B type of polymeric intercalants.

With respect to the second independent claim, the prior art of Fisher does not teach, disclose or render obvious utilizing block copolymer comprising caprolactone as one of the segments in combination with polyester as matrix polymer.

In addition, properly filed terminal disclaimer filed with the response obviates Provision -Double Patenting rejection over co-pending application 10/008428.

In view of the above discussion, pending claims 2-15, 17, 19-50 are passed to issue, wherein newly added claims are fully supported by original claims 2-10, 12, 14, 15, 17, 27, 29, 32, 33 and specification.

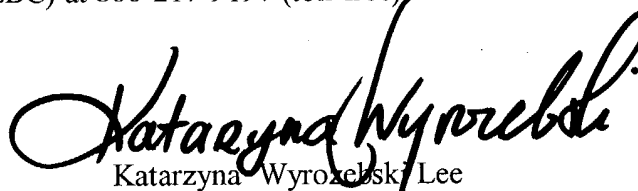
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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozelski Lee whose telephone number is (571) 272-1127. The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Katarzyna Wyrozelski Lee
Primary Examiner
Art Unit 1714

kiwl
February 18, 2004